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Senate Bill _____
By _____

House Bill No.HB0140
By Kent

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 6, and Title 40, Chapter 33, Part 2, to redefine and increase the penalty for the offense of evading arrest.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section , 39-16-603, is amended by deleting the section in its entirety and substituting instead the following:

39-16-603.

(a)(1) Except as provided in subsection (b), it is unlawful for any person to intentionally flee by any means of locomotion from anyone the person knows to be a law enforcement officer if the person:

(A) Knows the officer is attempting to apprehend or detain the person; or

(B) Has been arrested.

(2) It is a defense to prosecution under this subsection that the attempted arrest was unlawful.

(3) A violation of subsection (a) is a Class A misdemeanor.

(b)(1) It is unlawful for any person, while operating a motor vehicle on any street, road, alley or highway in this state, to knowingly flee or attempt to elude any law enforcement officer, after having received any signal from such officer to bring the vehicle to a stop.

(2) A violation of subsection (b) is a Class E felony unless the flight or attempt to elude creates a risk of death or injury to innocent bystanders or other third parties in which case a violation of subsection (b) is a Class C felony.

(3) In addition to the penalty prescribed in this subsection, the court shall order the suspension of the driver license of such person for a period of not less than six (6) months nor more than two (2) years. If the license is already suspended at the time the order is issued, the suspension shall begin on the date the existing suspension ends. The court shall also confiscate the license being suspended and forward it to the department of safety along with a report of the license suspension. If the court is unable to take physical possession of such license, the court shall nevertheless forward the report to the department. The report shall include the complete name, address, birth date, eye color, sex, and driver license number, if known, of the person whose license has been suspended and shall indicate the first and last day of the suspension period. If the person is the holder of a license from another state, the court shall not confiscate the license but shall notify the department which shall notify the appropriate licensing officials in such other state. The court shall, however, suspend the person's non-resident driving privileges for the appropriate length of time.

(4) For purposes of this subsection, there is a rebuttable presumption that the owner of the vehicle was the driver of the vehicle at the time of the offense.

(c)(1) The vehicle used in the commission of a violation of subsection (b) of this section is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2.

(2) The department of safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 39-16-603(b), 47-25-1105".

SECTION 3. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 39-16-603(b), 47-25-1105".

SECTION 4. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 47-25-1105".

SECTION 5. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to all violations occurring on or after such date.